

REMARKS

Claims 5 and 21 have been amended. New claim 22 has been added. No new matter has been added. Claims 1-14 and 17-22 are pending.

35 U.S.C. § 103 Claim Rejections

Claims 1-14 and 17-21 were rejected as being unpatentable over Kroll et al. (US 6,432,547) in view of Noda et al. (US 6,808,795) and further in view of Wu (US 5,851,937). Applicants respectfully traverse the rejection in view of the fact that the Noda teachings relied upon by the Examiner are not disclosed in its priority application corresponding to US 6,808,795 (i.e. U.S. Provisional application No. 60/278,948, filed March 27, 2001). In particular, the Examiner's obviousness rejections rely on Noda's teaching in Example 6 concerning stretching of film in the cross-direction being related to increases in water transmission rates. Inasmuch as the teachings relied upon by the Examiner for obviousness were not disclosed prior to the January 17, 2002 filing date of the nonprovisional application, Noda et al. (US 6,808,795) does not qualify as prior art against the instant application filed April 23, 2001 for the purposes of the present rejection. Accordingly, Applicants respectfully request withdrawal of the rejection of Claims 1-14 and 17-21 over Kroll et al. (US 6,432,547) in view of Noda et al. (US 6,808,795) and further in view of Wu (US 5,851,937).

Claims 1-3, 5-6, 8-9, and 17-21 stand rejected as being unpatentable over Wu et al. (US 5,851,937). Claim 5 and 21 stand rejected in view of Wu's disclosure of a stretched film comprising polycaprolactone blended with polyvinyl alcohol. Newly amended claim 5 recites a personal care product of claim 1, wherein the biodegradable polymer is selected from the group consisting of polybutylene succinate, poly(butylene succinate-adipate), polylactic acid, a terpolymer of terephthalic acid, adipic acid, and 1,4-butanediol, and copolymers and mixtures thereof. Newly amended claim 21 recites a personal care product wherein the stretched precursor film is laminated to an unstretched nonwoven web.


Since Wu does not teach or suggest the newly amended subject matter in claim 5, claim 5 is not obvious over Wu et al. (US 5,851,937). Moreover, in view of Applicants' request to withdraw the rejections over Kroll, Noda, and Wu, Applicants respectfully request withdrawal of the rejection against claim 22, since claim 7 was not previously rejected over Wu et al. (US 5,851,937). Accordingly, withdrawal of the rejection against claims 5 and 21 is respectfully requested.

Claims 1-3, 5-6, 8-14, and 17-21 stand rejected as being unpatentable over Wu et al. (US 5,200,247) in view of Wu (US 5,851,937). Claims 5 and 21 stand rejected in view of the teachings in Wu et al. (US 5,200,247) and Wu (US 5,851,937) concerning a stretched film comprising polycaprolactone blended with polyvinyl alcohol. Applicants' newly amended claim 5 recites a personal care product of claim 1, wherein the biodegradable polymer is selected from the group consisting of polybutylene succinate, poly(butylene succinate-adipate), polylactic acid, a terpolymer of terephthalic acid, adipic acid, and 1,4-butanediol, and copolymers and mixtures thereof. Newly amended claim 21 recites a personal care product incorporating the dependent limitation from claim 7, "wherein the water soluble polymer is polyethylene oxide, polyethylene glycol and mixtures thereof".

Since neither Wu et al. (US 5,200,247), nor Wu (US 5,851,937) teach or suggest the newly amended subject matter in claim 5, claim 5 is not obvious over Wu et al. (US 5,200,247) in view of Wu (US 5,851,937). Moreover, in view of Applicants' request to withdraw the rejections over Kroll, Noda, and Wu, Applicants respectfully request withdrawal of the rejection against claim 21, since claim 7 was not previously rejected

over Wu et al. (US 5,851,937). Accordingly, withdrawal of the rejection against claims 5 and 21 is respectfully requested.

Respectfully submitted,


Peter Brunovskis
Registration No. 52,441
Agent for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200